

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Appellant,

v.

TIMOTHY JOHN ARBACAUSKAS,

Defendant and Respondent.

C044110

(Super. Ct. No.
02F07919)

MODIFICATION OF
OPINION

THE COURT:

The opinion of this court filed October 25, 2004, in the above entitled case is modified as follows:

1. On page 21, the title of subsection "B" should be changed to read: "Insufficiency of the Evidence to Support the Magistrate's Findings of Fact".

2. On page 25, 14th line down, please insert the following so that sentence reads as follows:

"substantial evidence supporting the magistrate's finding of fact that defendant was cultivating marijuana".

This modification does not effect the judgment.

BY THE COURT:

BLEASE, Acting P. J.

SIMS, J.

BUTZ, J.